

## REMARKS

### I. STATUS OF THE CLAIMS

Claims 1, 18, 34 and 50 have been amended. Claim 54 has been added. Claims 1-11, 13-16, 18-28, 30-44, and 46-54 are pending and under consideration. Applicants assert that no new matter has been added.

### II. REJECTION UNDER 35 U.S.C. § 103(a)

A. Claims 1-4, 7-9, 11, 13-16, 18-28, 30-44 and 46-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huxter, (U.S. Patent Publication No. 2002/0107820) in view of Mitsuoka et al., (U.S. Patent Publication No. 2002/0016744). Applicants assert that the Mitsuoka reference is overcome under 35 U.S.C. 103(c).

#### STATEMENT OF COMMON OWNERSHIP UNDER 35 U.S.C. 103(c)

Applicants assert that the current application and Mitsuoka et al. (U.S. Patent Publication No. 2002/0016744) were, at the time the invention of the current application was made, owned by **Fujitsu Limited**.

The foregoing statement is a sufficient showing of common ownership under 35 U.S.C. 103(c).<sup>1</sup> Accordingly, applicants submit that the Mitsuoka reference is overcome. Huxter fails to cure the deficiencies of Mitsuoka, and therefore, applicants submit that 1-4, 7-9, 11, 13-16, 18-28, 30-44 and 46-50 patentably distinguish over the cited art.

#### CLAIMS PATENTABLY DISTINGUISH OVER THE REMAINING ART

On page 3, lines 3-4, the Office Action concedes that Huxter fails to disclose a family member or lodger receiving the package. The Office Action, however, alleges that Mitsuoka paragraph [0011] discloses this feature. Applicants assert that the Mitsuoka is overcome under 35 U.S.C. 103(c), and therefore, the art cited by the Office Action fails to at least describe "registering schedule information concerning at least one of a family member..." and "said determining comprises referring to the schedule information of at least one of the registered family member..." as recited by claim 1.

Accordingly, claim 1 patentably distinguishes over the cited art for at least the above-

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<sup>1</sup> see "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)," 1241 OG 96 (Dec. 26, 2000). – states a statement is sufficient evidence to disqualify a reference under 35 U.S.C. 103(c).

mentioned reasons. Dependent claims 2-4, 7-9, 11 and 13-16 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the above-mentioned reasons in addition to the additional features recited therein.

Claim 18 recites:

registering schedule information concerning at least one of a family member of said customer member and a lodger of said customer member...  
wherein said determining comprises referring to the schedule information of at least one of the registered family member of said customer member and the registered lodger of said customer member to make one of the registered family member and the registered lodger receive the package delivered to an address of said customer member, when said customer member to receive the package is unavailable for receiving.

(claim 18, lines 7-18). Therefore, claim 18 patentably distinguishes over the cited art.

Dependent claims 19-28 and 30-33 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the above-mentioned reasons in addition to the additional features recited therein.

Claim 34 recites:

a schedule register... which registers schedule information concerning at least one of a family member of said customer member and a lodger of said customer member...  
wherein the determining unit refers to the schedule information of at least one of the registered family member of said customer member and the registered lodger of said customer member to make one of the registered family member and the registered lodger receive the package delivered to an address of said customer member, when said customer member to receive the package is unavailable for receiving.

(claim 34, lines 3-18). Therefore, claim 34 patentably distinguishes over the cited art.

Dependent claims 35-44 and 46-49 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the above-mentioned reasons in addition to the additional features recited therein.

Claim 50 recites:

registering schedule information concerning at least one of a family member of said member and a lodger of said member...  
wherein said determining comprises referring to the schedule information of at least one of the registered family member of said member and the registered lodger of said member to make one of the registered family member and the registered lodger receive the package delivered to an address of said member, when said member to receive the package is unavailable for receiving

(claim 50, lines 4-16). Therefore, claim 50 patentably distinguishes over the cited art.

Accordingly, applicants respectfully request the rejection be withdrawn.

**B.** Claims 5, 6 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huxter in view of Mitsuoka as applied to the claims above and further in view of Partovi (U.S. Publication No. 2002/0126813).

Applicants submit that Partovi fails to cure the deficiencies of Mitsuoka. Accordingly, dependent claims 5, 6 and 10 inherit the patentable recitation of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed with respect to claim 1. In addition, claims 5, 6 and 10 are patentable over the cited art for the additional features recited therein. Accordingly, applicants respectfully request the rejection be withdrawn.

**C.** Claims 51-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huxter in view of Mitsuoka and further in view of Yang (U.S. Publication No. 2002/0072945).

Applicants submit that Yang fails to cure the deficiencies of Mitsuoka. Accordingly, dependent claims 51-53 inherit the patentable recitation of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed with respect to their respective base claims. In addition, claims 51-53 are patentable over the cited art for the additional features recited therein.

Accordingly, applicants respectfully request the rejections under 35 U.S.C. § 103(a) be withdrawn.

### **III. NEW CLAIM**

Applicants assert that new claim 54 patentably distinguishes over the cited art. Claim 54 recites “registering schedule information relating to the availability of **an alternate receiver** for receiving a package at the address specified by the customer” (claim 54, emphasis added). Huxter describes a method to facilitate automated collection points for the delivery of goods to a customer (see paragraph [0013]). Huxter, however, merely describes delivery of goods to a single customer and fails to describe “registering schedule information relating to the availability of an alternate receiver.” As described infra Section II(A), the Office Action relies on Mitsuoka to allegedly provided the teaching of registering schedule information relating to someone other than the customer receiving the package (e.g. in the context of claim 1 for example, registering schedule information of a family member or lodger to receive the package). Applicants, however, have overcome Mitsuoka under 35 U.S.C. 103(c), and therefore, assert that the cited art fails to at least describe “registering schedule information relating to the availability of an

alternate receiver" as recited by claim 54. Accordingly, applicants assert that claim 54 patentably distinguishes over the cited art.

#### IV. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees, or credits, associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

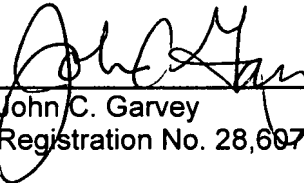
Respectfully submitted,

STAAS & HALSEY LLP

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